

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BROOKE PUNG,

Plaintiff,

No. 23-10475

v.

Hon. Nancy G. Edmunds

TESSELLATE, LLC,

Defendant.

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ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM

Plaintiff Brooke Pung brings this case against her former employer, Defendant Tessellate, LLC, alleging religious discrimination under Title VII of the Civil Rights Act ("Title VII") (Counts I and II) and Michigan's Elliott-Larsen Civil Rights Act ("ELCRA") (Count III). The Court has federal question jurisdiction over Plaintiff's Title VII claims, but Plaintiff's claim pursuant to ELCRA is based on state law. Because the parties in this case appear to be nondiverse, the Court declines to exercise supplemental jurisdiction over Plaintiff's ELCRA claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Therefore, pursuant to § 1367(c), Plaintiff's state law claim in Count III of her complaint is hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 6, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 6, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager